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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 10/585,223   | 06/30/2006  | Anatoli Stobbe       | STOBBE-17 PCT              | 9228             |
| 25889  | 7590        | 12/31/2009           |                            |                  |
| COLLARD & ROE, P.C.<br>1077 NORTHERN BOULEVARD<br>ROSLYN, NY 11576 |             |                      | EXAMINER<br>HU, JENNIFER F |                  |
|  |             |                      | ART UNIT                   | PAPER NUMBER     |
|  |             |                      | 2821                       |                  |
|  |             |                      | MAIL DATE                  | DELIVERY MODE    |
|  |             |                      | 12/31/2009                 | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/585,223 | <b>Applicant(s)</b><br>STOBBE, ANATOLI |  |
|                              | <b>Examiner</b><br>JENNIFER F. HU    | <b>Art Unit</b><br>2821                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-7 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. Amendment B received on September 17, 2009 has been entered into the record in accordance with the Request for Continued Examination.
2. Claims 1, 4 and 8-12 are pending. Claims 2-3, 5-7 and 9 have been cancelled.

### ***Response to Arguments***

3. Applicant's arguments, filed September 17, 2009, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Van Heerden does not teach amended subject matter (previously claim 5), wherein in the production process of weaving, inductances are made to meander, with such meandering being achieved by a continuous electrically conductive weft thread, which between each weft thread extends parallel to the warp threads along a distance on the respective selvage, which distance corresponds to the thickness of several weft threads. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Van Heerden in view of Nilsson (US 6,154,138).

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

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- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Heerden in view of Nilsson (US 6,154,138), further in view of Slemon (US 5,049,855).

6. Van Heerden teaches a textile material that comprises an HF transponder (200, Fig. 2) that comprises a circuit module (30, Fig. 2) and an antenna (50, Fig. 2) linked therewith and set to a working frequency, wherein the antenna is configured as an E field radiator, and the E field radiator is completely constituted of woven-in electrically conductive thread constructions of the

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textile material itself that can be processed by machine as part of an industrial production process that is customary with textiles (“fabric antenna may comprise...a plurality of conductive threads interwoven with the fabric of a garment,” [0023]).

Van Heerden does not teach a working frequency in the UHF or microwave range. However, it is typically within the knowledge of those of ordinary skill in the art to scale the length of an antenna element in order to obtain the desired operating frequency.

Van Heerden further does not teach the E field radiator is a mechanically shortened E field radiator which is made to resonate with the working frequency by inductances whose geometry is compatible with the industrial production process that is customary with textiles, and wherein in the production process of weaving, inductances are made to meander, with such meandering being achieved by a continuous electrically conductive weft thread, which between each weft extends parallel to the warp threads along a distance on the respective selvedge, which distance corresponds to the thickness of several weft threads.

Nilsson teaches an alarm device, which one of ordinary skill in the art would recognize as a radiating device, wherein the E field radiator (4, Fig. 2) is a mechanically shorted E field radiator (meandering line antennas are well known in the art for shortening the physical length of an antenna while still maintaining a desired electrical length), wherein in the production process of weaving, inductances are made to meander, which such meandering being achieved by a continuous weft thread (5, Fig. 2), which between each weft extends parallel to the warp threads along a distance (loop portions of weft thread 5, Fig. 2).

Nilsson does not teach that the distance corresponds to the thickness of several weft threads. Slemon teaches a security screen assembly comprising parallel optical fibers (16, Fig.

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3) interwoven at equally spaced intervals in the screen material itself (15, Fig. 3), in a similar manner to the interweaving of strands of electrically conductive wires in standard electrical security screens (col. 3, lines 57-65). Slemon indicates that it is common to space the electrical wires apart by more than one weft width. One of ordinary skill in the art would have been motivated to modify the meandering weft antenna taught by Nilsson by spacing the conductive weft fibers apart by several weft widths in order to prevent short circuits from forming between adjacent conductive wires.

As to claim 4, van Heerden teaches the electrically conductive thread construction is a metal-coated synthetic thread, a synthetic thread around which a metal wire or a stranded metal wire is wrapped, a synthetic thread with an integrated metal wire or an integrated stranded metal wire, or a graphite thread (“an exemplary fabric for use in implementing fabric antenna 50 is a woven nylon plated with a layer of copper, silver, or nickel,” [0023]).

As to claim 8, van Heerden teaches antenna connections between the circuit module and the radiator can be implemented by means of connections involving crimping, welding, soldering, or gluing with the use of conductive adhesive (“fabric antenna 50 may be coupled to other fabric antenna elements and RF tag 200 using conductive thread, conductive glue, and interfaced conductive layers of material sewn together,” [0026]).

As to claim 11, van Heerden teaches the circuit module itself and its antenna connections are enclosed by a casting compound (housing 30, Fig. 2), and the casting compound at the same time is connected to that region of the textile material (60, 65, 70, 75, Fig. 3), which region is adjacent to the circuit module, for mechanical attachment of the circuit module and/or for improving security against tampering.

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As to claim 12, van Heerden teaches the radiator is designed as a symmetrical dipole (fabric antenna 50 may comprise all antennas suitable for RF communications, including but not limited to a dipole..." [0024]) or as an asymmetrical bar with a counterweight.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Heerden in view of Nilsson, further in view of Slemon, further in view of Rowson (previously presented).

van Heerden in view of Nilsson, further in view of Slemon teach the invention substantially as claimed as applied to claim 8 above, but do not teach adhesive surfaces of the adhesive connections are UV-permeable, and the conductive adhesive is UV- curable.

Rowson teaches UV curable adhesives in antenna manufacturing, wherein a UV curable adhesive is used to secure spacers of a magnetic dipole antenna (col. 5, lines 25-29). It would have been obvious to one of ordinary skill in the art to further modify the fabric antenna of van Heerden in view of Nilsson, in view of Slemon because of the efficient benefits of using a UV curabled adhesive.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER F. HU whose telephone number is (571) 270-3831. The examiner can normally be reached on Monday-Friday 9:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JENNIFER F HU/  
Examiner, Art Unit 2821

/Douglas W Owens/  
Supervisory Patent Examiner, Art Unit 2821  
December 28, 2009